United Nations CRC/C/OPSC/AGO/Q/1/Add.1

Convention on the Rights of the Child

Distr.: General
13 March 2018
English
Original: Spanish
English and Spanish only

Committee on the Rights of the Child
Seventy-eighth session
14 May–1 June 2018
Item 4 of the provisional agenda
Consideration of reports of States parties

List of issues in relation to the report submitted by Angola under article 12 (1) of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Addendum

Replies of Angola to the list of issues*

[Date received: 15 February 2018]

* The present document is being issued without formal editing.

GE.18-03853 (E) 0220318 230318
1803853

Please recycle

Contents

		Page
Introduction		3
Replies		3
1.	Statistical data	3
2.	Status of the Children's Indicator System and the National Observatory of the Situation of the Child and information on investigations	4
3.	Strategies for the elimination of the sale of children, child prostitution and child pornography and the protection of child victims, and the entity responsible for implementing them	4
4.	Dissemination of the Optional Protocol	5
5.	Data on SOS – Criança Helpline (past three years)	5
6.	Bilateral and multilateral agreements on adoption, and measures to prevent illegal adoptions	6
7.	Information on the Act of 2012 on the Protection and Development of the Child, the Act on the Criminalization of Trafficking in Persons and the draft Criminal Code	6
8.	Extraterritorial jurisdiction over offences under the Optional Protocol	7
9.	Information on the seizure and confiscation of materials, assets or other goods used to commit or facilitate offences under the Optional Protocol and the penalties for and other consequences of those offences	7
10.	Information on measures to develop holistic and victim-centred methods to identify children at risk	7
11.	Measures to protect the rights and interests of child victims and witnesses of offences under the Optional Protocol	7

Introduction

1. The Government of Angola (the country's executive authorities) thanks the Committee on the Rights of the Child for the way it carried out its preliminary analysis of the initial report of Angola on its implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

2. The Angolan authorities, in keeping with their extensive cooperation in all areas with the United Nations system, are pleased to submit the replies and the additional information requested.

3. These replies to the list of issues have been produced by the Intersectoral Committee for the Preparation of National Human Rights Reports.

Replies

1. Statistical data

4. Number of child victims of sale in any form.

5. The Interministerial Commission on Combating Trafficking in Persons, which comprises a number of public institutions, did not report that there had been any court cases of trafficking in persons involving the sale of minors. Five investigations (two in Luanda, two in Cunene and one in Moxico) concerning the sale of children in Angola have been launched in the meantime.

6. Number of children engaged in prostitution and extent to which child prostitution is linked to sex tourism and businesses.

7. In addition to the statistical data provided in the report, it should be noted that the National Statistics Institute is conducting an assessment of the vulnerability of minors, the results of which will make it possible to provide updated information on this issue.

8. The sex business is not prohibited in Angola, as it does not fall under the definition of a specific crime, but forced prostitution and the use of minors in the business are.

9. The draft Criminal Code also provides for the prohibition of forced prostitution.

10. Extent to which child pornography is produced, imported, distributed or consumed.

11. Article 32 of Act No. 25/12 of 22 August on the Protection and Development of the Child, which addresses the right to protection from inappropriate content, stipulates that

(1) the State must ensure the regulatory and institutional conditions that make it possible to prohibit children from accessing inappropriate content; and that

(2) material and information considered pornographic, or which incites children to violence, must not be sold to or otherwise accessible to them.

12. In addition, article 30, on the protection of children on the Internet, states that technological means must be used to protect children, so that when they use the Internet they are protected from unauthorized access to inappropriate virtual environments and other web-based activities that they are prohibited by law from engaging in.

13. Article 15 of the new Advertising Act (No. 9/17 of 13 March) prohibits advertising that associates the images of women, men and children with stereotyped, discriminatory or humiliating behaviour or behaviour that is immoral or indecent (line 1). All forms of pornographic advertising are also prohibited (line 3).

14. In general, pornographic material sold on video cassette and film is imported, but now, with the rise of social media, short, unedited films produced in Angola are beginning to emerge.

15. Number of children trafficked from or through Angola and children trafficked within the country for the purpose of sale, prostitution, engagement in forced labour, illegal adoption, organ transfer or pornography.

16. Figures provided by the Commission on Combating Trafficking in Persons indicate that 10 cases of alleged trafficking in children in 2015 and 2016 are currently being investigated by the Brazilian authorities (in São Paulo and Rio de Janeiro).

17. Number of investigations, prosecutions and convictions for offences under the Optional Protocol, disaggregated by the nature of the offence and the age and sex of the child victim, including those within the cooperation agreements between the State party's authorities and those from Portugal and France.

18. There has been no notification of the exact number of child victims whose cases are being handled under cooperation agreements with Portugal and France.

19. At present, according to data collected by the Commission, there is information only about 4 children, who are between the ages of 8 and 13, in Angola. In France, there are cases involving 5 children between the ages of 9 and 12, and in Brazil there are cases involving 10 children of unspecified age.

20. Number of child victims of abuses under the Optional Protocol who have been hosted in shelters throughout Angola.

21. Minors who are under special protection are housed in shelters. In the past three years, 99 minors have been admitted to shelters for various reasons.

2. Status of the Children's Indicator System and the National Observatory of the Situation of the Child and information on investigations

22. In addition to the statistical data provided in the report, it should be noted that the National Statistics Institute is conducting an assessment of the vulnerability of minors, the results of which will make it possible to provide updated information on the issue.

3. Strategies for the elimination of the sale of children, child prostitution and child pornography and the protection of child victims, and the entity responsible for implementing them

23. The Child Abduction Alert System was approved by the Council of Ministers. The System seeks to ensure that, in the hours following the abduction of a child and with the help of the public, all the evidence that could help the investigating authorities locate and release the child quickly is collected, including by:

(a) Developing a national plan for the collection, processing and dissemination of information on children who, according to solid evidence, have been abducted;

(b) Organizing, through the Criminal Investigation Department, an up-to-date database with information on missing children that would result in a common, specific system operating as part of a network involving the national police, the Criminal Investigation Department, the Migration and Foreign Nationals Department and the National Institute for Minors;

(c) Issuing, where warranted, immediate alerts on public radio and television channels regarding missing children and promoting the formulation of protocols for bringing private broadcasters into the System;

(d) Forming partnerships with wireless and Internet service providers, so that alerts regarding disappearances can be issued with the use of podcasting systems and in pop-up windows on the most popular websites;

(e) Setting up a national coordination mechanism on which the ministerial departments responsible for children's, youth and family affairs, justice, public safety, telecommunications, social communication and territorial administration are represented;

(f) Creating a support structure for victims' families.

24. The National Plan to Combat Trafficking in Persons, which is in the final stages of development, provides for actions in the four areas covered by the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime: namely, prevention, including training for a range of stakeholders; protection of victims, including attribution of victim status and social protection; prosecution of the perpetrators, including measures to ensure that investigations are more extensive and perpetrators are held to account; and cooperation, including with various State and non-State institutions, United Nations agencies, regional organizations from Southern and Central Africa and the Community of Portuguese Language Countries.

25. Similarly, a bill on the protection of victims and witnesses, which will also include measures for the protection of victims of trafficking and other forms of organized crime, is in preparation.

4. Dissemination of the Optional Protocol

26. The Ministry of Justice and Human Rights, in a joint project with the European Union and the United Nations Children's Fund (UNICEF), has organized annual courses for law enforcement and judicial officials. In 2017, for example, about 150 such officials, from judges and prosecutors to officers from the Prison Service and the Criminal Investigation Department and social workers, received training. A special course on juvenile justice, in which all the norms relating to the promotion and protection of the rights of the child, including those under the Optional Protocol, were analysed, was organized for trainers.

27. The adoption of a national strategy for human rights education, which is aimed at a number of sectors (the education sector, from primary school to higher education, the justice system, the medical system, the civil service and other key sectors), is under way. The strategic document is complete and has been adopted by the relevant sectors; adoption by the Council of Ministers is pending.

28. In the meantime, various educational initiatives in the field of human rights (including the rights of the child and the Optional Protocol) have been undertaken:

(a) Introduction of a course on human rights at the Higher Institute of Police and Criminal Sciences;

(b) In-service training programmes for law enforcement personnel;

(c) Publication of a human rights handbook for the national police in conjunction with international organizations (three editions);

(d) Introduction of a course on human rights in the National Institute of Judicial Studies (for future civilian and military judges).

29. The Ministry of Justice and Human Rights published and distributed 1,000 copies of a book on children's rights in which the Convention and the Optional Protocols thereto are reproduced along with explanatory commentary.

5. Data on SOS – Criança Helpline (past three years)

30. The SOS helpline provides services in person and over the phone.

31. The line's in-person component, which is fully operational, receives complaints made by the members of a child's immediate family or other relatives, community members and children themselves.

32. Over the period from 2015 to 2017, 10,221 complaints, broken down as follows, were registered:

- 2015 — 2,083 complaints
- 2016 — 4,874 complaints, of which 1,091 concerned boys up to 5 years of age; 826 concerned girls from 6 to 13 and 948 concerned boys; 1,133 concerned girls from 14 to 18 and 423 concerned boys

- 2017 — 3,264 complaints, of which 428 concerned boys up to 5 years of age and 365 concerned girls; 696 concerned boys from 6 to 13 and 701 concerned girls; 594 concerned boys from 14 to 18 and 480 concerned girls

33. The provision of services by telephone is being piloted.

6. Bilateral and multilateral agreements on adoption, and measures to prevent illegal adoptions

34. Adoption is covered by specific legislation — in articles 197 to 219 of the Family Code in particular — whose core objective is to ensure the social, moral and emotional protection of the adopted child by creating a bond between the child and the adoptive parent equal to that between children and their biological parents and entailing exactly the same rights and duties.

35. The law, giving consideration to the best interests of the child, establishes stringent requirements for the adoptive parent, who must:

(a) Be at least 25 and in full possession of his or her civil rights;

(b) Be morally suitable and exhibit good social behaviour, especially in family relations;

(c) Have the financial capacity to support and raise the adopted child;

(d) Be sound of mind and body and at least 16 years older than the adopted child.

36. The law requires that the child be:

(a) Under 18 years of age and of unknown parentage;

(b) Abandoned, whether in a public institution or not.

37. The following persons may adopt:

(a) Spouses who are not separated and partners in recognized or potentially recognized de facto unions;

(b) A husband, wife or partner in a de facto union (with regard to his or her spouse's or partner's children);

(c) Single persons.

38. The adopted child takes the adoptive parent's surname. It is even possible to issue a new birth certificate. Adoption is irrevocable.

39. It should be noted that the legal and other requirements mentioned above apply to both Angolan and foreign nationals.

40. Angola agreed to accede to the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption in National Assembly resolution No. 54/12 of 14 December. All that remains is for the country to deposit the instruments of ratification.

7. Information on the Act of 2012 on the Protection and Development of the Child, the Act on the Criminalization of Trafficking in Persons and the draft Criminal Code

41. Article 7 of the Act of 2012 on the Protection and Development of the Child states that children must not be subjected to neglectful, discriminatory, violent or cruel treatment or any form of exploitation or oppression and that all acts that result in violations of those prohibitions will be punished by law.

42. In addition, article 33, on protection from abduction and abuse, states:

> 1. The State must take special legal and administrative measures, whose effectiveness it must ensure, to prevent and punish the abduction, sale and trafficking of children in any form and for any purpose.
>
> 2. The measures referred to in the preceding paragraph must also protect children from all forms of abuse and sexual exploitation, thereby preventing them from being: (a) induced or incited into engaging in sexual activities by their parents,

guardians, foster families, legal representative or third persons; (b) exploited for the purpose of prostitution or other such activities; (c) exploited for pornographic performances or activities; and (d) used in paedophilic acts.

43. Article 22 of Act No. 3/14, the Crimes Underlying Money-Laundering Act, which addresses the trafficking of children for sexual purposes, states:

> 1. Anyone who promotes, incites, encourages or facilitates the practice of prostitution by persons under 18 years of age or the repeated practice of sexual acts with persons under 18 shall be liable to a prison term of 2 to 10 years.
>
> 2. If the perpetrator uses violence, threats or fraud, acts for profit or makes an occupation of the activity described in the paragraph above, if the child has a psychological disorder or if the child is less than 14 years old, the prison term shall be from 5 to 12 years.

44. In addition, article 23, on trafficking in children for sexual purposes, states:

> 1. Anyone who lures a person under 18 years of age into engaging in prostitution in a foreign country or transports, houses or hosts the child for that purpose or in any other way encourages him or her to engage in prostitution shall be liable to a prison term of 3 to 12 years.
>
> 2. If the perpetrator uses violence, threats or fraud, acts for profit or makes an occupation of the activity described in the paragraph above, if the child has a psychological disorder or if the child is less than 14 years old, the prison term shall be from 3 to 15 years.

8. Extraterritorial jurisdiction over offences under the Optional Protocol

45. In general, if offences under the Optional Protocol are committed by Angolans, Angolan law applies. If they are committed by Angolans abroad, Angola may or may not request their extradition by letter. If the offences are committed by foreign nationals in Angola, Angolan law will apply, unless an extradition request is received.

46. At present, no extradition request of this nature is pending.

9. Information on the seizure and confiscation of materials, assets or other goods used to commit or facilitate offences under the Optional Protocol and the penalties for and other consequences of those offences

47. As a rule, the materials seized are inventoried during judicial proceedings and subsequently destroyed as part of a process that may be overseen by various agencies. For example, establishments used for the sale of pornographic material are subject to supervision and closure orders in judicial proceedings.

10. Information on the measures taken to develop holistic and victim-centred methods to identify children at risk

48. Law enforcement and judicial officials have generally received training on identifying victims of trafficking, a task for which they use traditional investigation methods and methods acquired in their investigations. As a rule, the techniques they use are those described in United Nations Office on Drugs and Crime (UNODC) manuals.

11. Measures to protect the rights and interests of child victims and witnesses of offences under the Optional Protocol

49. Child victims of sale, prostitution or pornography are, in general, received initially in facilities where they and the perpetrators are kept apart. They also receive medical and psychological support and are later admitted to a family reunification programme.

50. The formulation of a bill on special protection for victims and witnesses, including witnesses who have turned State's evidence, is under way.